

RECEIVED CLERK
FILED
2000 SEP 12 P 11:13

FRANCIS M. WIKSTROM (3462)
H. DOUGLAS OWENS (7762)
PARSONS BEHLE & LATIMER
Attorneys for Kenneth Weeks
201 South Main Street, Suite 1800
Post Office Box 45898
Salt Lake City, Utah 84145-0898
Telephone: (801) 532-1234

U.S. DISTRICT COURT
DISTRICT OF UTAH

MAX D. WHEELER (3439)
RICHARD A. VAN WAGONER (4690)
ROBERT J. SHELBY (8319)
SNOW, CHRISTENSEN & MARTINEAU
Attorneys for Defendant David A. Hesterman
10 Exchange Place, Eleventh Floor
Post Office Box 45000
Salt Lake City, Utah 84145
Telephone: (801) 521-9000

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

* * * * *

UNITED STATES OF AMERICA

vs.

ROBERT G. WEEKS, et al.,

Defendants.

Case No. 2:98CR 0278ST

**MOTION TO SUPPRESS
EVIDENCE RELATING TO
ROBERT CORDES AND FOR
DISCOVERY**

Judge Ted Stewart
Magistrate Judge Ronald Boyce

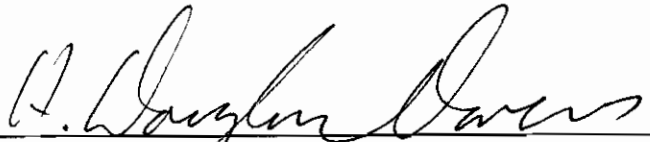
* * * * *

ORIGINAL

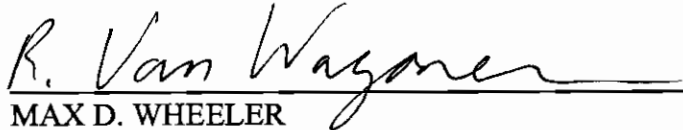
Defendants Kenneth L. Weeks and David A. Hesterman hereby move the Court for an order suppressing any evidence obtained from Robert Cordes, including any testimony or documents subpoenaed from Cordes and any evidence derived therefrom. The grounds for this Motion are that the government has misused the discovery process in an administrative investigation to obtain evidence in this case. There is also evidence supporting an inference that the testimony of a grand jury witness, Barbara Hesterman, may have been disclosed in violation of Fed. R. Crim. P. 6(e).

Defendants request that the Court's ruling on this Motion be delayed until after discovery on matters concerning the use of subpoenas issued to Cordes and concerning the possible disclosure of Barbara Hesterman's grand jury testimony. Defendants will file a supplemental brief after discovery is completed, which may request additional relief relating to Cordes and/or Barbara Hesterman.

DATED this 13th day of September, 2000.



FRANCIS M. WIKSTROM
H. DOUGLAS OWENS
PARSONS BEHLE & LATIMER
Attorneys for Defendant Kenneth L. Weeks



MAX D. WHEELER
RICHARD A. VAN WAGONER
ROBERT J. SHELBY
SNOW, CHRISTENSEN & MARTINEAU
Attorneys for Defendant David A. Hesterman

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of September, 2000, I caused to be faxed and sent by first class mail a true and correct copy of the foregoing **MOTION TO SUPPRESS EVIDENCE RELATING TO ROBERT CORDES AND FOR DISCOVERY** to:

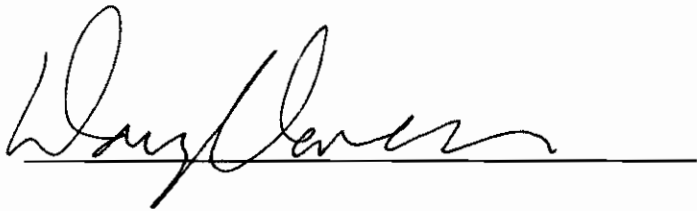
Mr. Stewart C. Walz, Esq.
Assistant U.S. Attorney
Criminal Division
185 South State Street, Suite 400
Salt Lake City, Utah 84111

James N. Barber
Bank One, Suite 100
50 West Broadway
Salt Lake City, Utah 84101

Earl G. Xaiz
Yengich, Rich, Xaiz
175 East 400 South #400
Salt Lake City, Utah 84111

Ed Brass
321 South 600 East
Salt Lake City, Utah 84102

Delano S. Findlay
5350 South 925 East #E
Salt Lake City, Utah 84117

A handwritten signature in dark ink, appearing to read "Delano S. Findlay", is written over a horizontal line.